

Claims 1-13 and 15 - 24 were withdrawn from consideration in the Office Action. Claim 14 was rejected. The applicant objects to the withdrawal from consideration of claims 15 - 24.

The following remarks have been broken down into several sections to ease in locating remarks concerning particular issues. The sections, however, do reference each other in part since the Office Action is inconsistent in its objections and rejections to the instant application.

Election / Restriction

A seventeen (17) way species restriction was given in an office action of November 22, 1999. The applicant selected Group XVII, Figures 34A-34D in the Amendment filed in response to that office action. It was further stated that the entire application describes microdisplays, the manufacturing, the operation, and the use thereof within specific systems such as a hand-held display device of FIGS. 34A-34D. The first group of Figures, FIG. 1-FIG. 9 are generally used in conjunction with describing the process of manufacturing the microdisplay. Figures 10-20 generally are used in describing the relationship of liquid crystal within the display.

In the Office Action of May 9, 2000, all the claims were withdrawn from consideration with the exception of Claim 14. It is the undersigned's contention that the species selected is interpreted too narrowly in the Office Action. The inner workings of the portable display system with card reader shown in FIGS. 34A-34D is explained with respect to other Figures in the application. For example, additional details related to an example of a die for an integrated active matrix panel display is shown in FIG. 2A and a sectional view of the display in its housing is shown in FIG. 9 for the microdisplay contained in the display system of FIGS. 34A - 34D. Likewise a method of driving the pixels is described with the graphical representation of FIG. 13.

Independent claim 14 recites a portable display system such as described with respect to FIGS. 34A - 34D. All the claims which depend from claim 14 including claims 15 - 18 and claims 25 - 31 are further details. Independent claim 19 recites a method of viewing an image on a portable display system shown in FIGS 34A - 34D; claim 19 and the claims that dependent from claim 19, claims 20 - 24, should be considered and allowed.

Information Disclosure Statement

The Office Action states that the information disclosure statement filed on October 16 1998 fails to comply with 37 C.F.R. 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent, each publication or that portion which caused it to be listed and all other

information or that portion which caused it to be listed. The Office Action states that the information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. The Office Action further states that the Applicant fails to show how these references are pertinent to the currently filed claims.

The Information Disclosure Statement that was mailed on October 13, 1998 states that "Copies of cited references are enclosed except those entered in prior application, U.S. Serial No.08/961,744; 09/004,706, and references that are not required to be submitted under 37 CFR 1.98." While the Office Action cites 37 C.F.R. § 1.98(a)(2), it fails to cite 37 C.F.R. § 1.98(d) which states

A copy of any patent, publication or other information listed in an information disclosure state is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120 [Emphasis Added]

The Information Disclosure Statement further stated that

The "concise explanation" requirement for reference(s) AM2, AM5, AQ6, AL7-AM7, AQ7, AL8-AQ8, AL9-AQ9, AL10-AQ10, AL11-AQ11, AL12-AN12, A12, AL13 under 37 CFR 1.98(a)(3) is satisfied by the enclosed English language abstract enclosed with the references submitted with the previous applications.

The IDS further states that

The "concise explanation" requirement for reference(s) AN2, AN3, and AO3 under 37 CFR 1.98(a)(3) is satisfied by the following explanation:

AN 2 (EP 526 802 A2) claims priority to the same German Patent Application (DE 4126105) as AJ6 (U.S. Patent No. 5,485,504).

AN3 (EP 626 773 A1) and AO3 (EP 626 773 B1) are from the European Patent Application to which AQ6 (Canada 2,123,461) claims priority.

These related applications and patents are likely to be English Language versions for AN2, AN3, and AO3.

37 CFR 1.98 (3) requires a concise explanation of the relevance of each patent, publication, or other information listed that is not in the English language.

It is the Applicant's position that the Information Disclosure Statement complies with 37 C.F.R. § 1.98. The Applicant respectfully requests the Examiner to clarify the failure of the filed

information disclosure statement to comply with 37 C.F.R. 1.98, if that is the Examiner's position.

Specification /Drawings

The Office Action states that the disclosure is objected to because on page 51, line 21, "606" should be changed to -600- to be consistent with Figure 34A. The specification has been amended to overcome this objection.

The Office Action also has objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5). The Office Action states that the drawings do not contain the following reference signs listed in the description: page 51, line 2, "housing 604," line 6, "an opening 622" and line 18, "microdisplay 638." The Office Action also states that Figure 34B includes reference signs "6" and "60" not mentioned in the description. Figures 34A, 34B, and 34D have been amended to overcome this objection.

No new matter has been added. Enclosed please find a new Figure sheet and an additional sheet showing the changes in red.

Claim Objection

Claim 14 has been rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action states that the specification page 50, line 29 - page 51, line 21 and the Figures 34A-34D do not teach the limitation "a housing having a volume less than 330 cm³" but only teach of a housing 604 on page 51, line 2.

Claim 14 relates to a portable display system. While portable display systems are described in the specification on page 50, line 29 - page 51, line 21 and shown in Figures 34A-34D, they are also described on page 45, lines 20-26 of the specification. The specification on page 45, line 25 describes a portable display system having a volume less than 330 cm³. Because there is support in the specification for a portable display system having a volume less than 330 cm³, Claim 14 cannot be barred by 35 U.S.C. 112, first paragraph and should be allowed.

Claim(s) Rejections

The Office Action has also provisionally rejected Claim 14 on the basis of the judicially created doctrine of double patenting over claim 18 of co-pending Application No. 09/004,706. The '706 patent application, one of the pending applications cited in the IDS, has a common assignee and a terminal disclaimer will be filed on the conditional allowance of the claim.

The Office Action has rejected Claim 14 under 35 U.S.C. as being unpatentable under Novis et al. The Office Action states that Novis discloses a portable display system comprising a housing (11), a LCD (20) carried by the housing, a lens (44) that magnifies an image on the display and a card reader (16) within the housing that receives video input to be displayed on the display from a card (18) that docks with the card reader. The Office Action also states that Novis does not disclose the particular size of the housing or the particular operating frequency of the card reader. Absent a showing of criticality, it would have been within the level of one skilled in the art to design the housing and operating frequency of the card reader as desired.

Novis does not suggest a portable display system having a housing having a volume of less than 330 cm³ containing an active matrix liquid crystal display, the display including an array of at least 75,000 pixel electrodes, the array of pixel electrodes having an active area of less than 158 mm². Furthermore Novis does not suggest the portable display system have a card reader operating at least at 15 MHZ within the housing that receives video input to be displayed on the display from a card that docks with the card reader.

The portable display system, as recited in claim 14, is not suggested or disclosed by Novis. Claim 14 is allowable. Claim 15 - 18 and 25 - 31, which depend from claim 14, are allowable.

Claim 19 recites a method of writing an image to the liquid crystal display in the portable display system. Novis does not suggest or disclose the invention. Claim 19 and those claims that depend from claim 19, claims 20 - 24, are allowable.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

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